

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-23097 - APPLICANT/OWNER: T-WHR, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-23106) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 08/09/07, landscape plan, and building elevations date stamped 07/10/07, except as amended by conditions herein.
4. A Waiver from the Downtown Centennial Plan [Subsection VII (I.1.a)] is hereby approved, to allow zero percent of the first story façade along the front and corner side property line where 70% is required.
5. A Waiver from the Downtown Centennial Plan [Subsection VII (I.1.d)] is hereby approved, to allow loading docks to be oriented in the public view.
6. Handicap parking spaces shall be re-striped to meet Title 19.10 Handicap Parking Requirements, which state that dimensions shall be at least nine feet wide and shall have an adjacent access aisle (a minimum of five feet wide in width) on each side.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Palm Trees shall be replaced with Shade Trees along the Ogden Avenue and Fremont Street (east/west streets) and one Shade Tree shall be added to Ogden Avenue.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
16. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
17. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
18. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

20. Coordinate with the City Surveyor regarding recordation of a Reversionary Map for this site; comply with the recommendations of the City Surveyor.
21. Dedicate a 25-foot radius on the southeast corner of 9th Street and Ogden Avenue, a 25-foot radius on the southwest corner of 10th Street and Ogden Avenue, a 25-foot radius on the northeast corner of 9th Street and Fremont Street, and a 25-foot radius on the northwest corner of 10th Street and Fremont Street prior to the issuance of any permits.
22. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting Downtown Centennial Plan Standards concurrent with development of this site, except as amended by conditions herein. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
23. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveways accessing this site.
24. The proposed loading zones located within the 9th Street and 10th Street rights-of-way are acceptable.
25. Coordinate with the Collection Systems Planning Section of the Department of Public Works to determine public sewer connection and abandonment requirements prior to the submittal of any construction drawings for this site; comply with the recommendations of Collection System Planning. Submit a Petition of Vacation for the existing utility easement overlying the sewer to be abandoned.
26. Landscape and maintain all unimproved rights-of-way on 9th Street, 10th Street, Ogden Avenue, and Fremont Street adjacent to this site.
27. Submit an Encroachment Agreement for all landscaping and private improvements located in the public right-of-way adjacent to this site prior to occupancy of this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

28. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
29. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
30. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 32-story mixed-use development including 28,791 square feet of commercial space and 537 multi-family residential units with Waivers of the Downtown Centennial build-to-line and loading standards on 2.75 acres at 902 and 916 East Fremont Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/04/1989	The City Council approved a Special Use Permit (U-30-89) to allow a gaming establishment in conjunction with an existing motel on property located at 916 East Fremont Street.
08/23/07	The Planning Commission recommended approval of companion item SUP-23096 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #55/jm).
<i>Related Building Permits/Business Licenses</i>	
01/01/1951	A business license (M08-00147) was issued for a Motel at 902 Fremont Street. The license was marked out of business.
01/01/1951	A business license (B04-00032) was issued for a Barber Shop at 902 Fremont Street. The license was marked out of business.
01/01/1951	A business license (C05-01172) was issued for a Retail Tobacco at 916 Fremont. The license was marked out of business.
01/01/1951	A business license (L16-00006) was issued for a Tavern at 916 Fremont. The license was marked out of business.
12/10/1991	A business license (M06-01617) was issued for Miscellaneous Sales at 916 Fremont. The license was marked out of business.
05/08/1992	A business license (C08-01431) was issued for Amusement Machines at 916 Fremont. The license was marked out of business.
<i>Pre-Application Meeting</i>	
06/25/07	Submittal requirements for a Special Use Permit and Site Development Plan Review applications were discussed. Several of the Downtown Centennial Plan Development Standards require waivers, including the build-to-line and loading standards.
<i>Field Check</i>	
07/23/07	A field check was conducted on the site. There are two vacant motels on both parcels of land.

Details of Application Request	
Site Area	
Net Acres	2.75

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	C (Commercial)	C-2 (General Commercial)
North	Church, Shops	MXU (Mixed Use)	C-2 (General Commercial)
South	Parking lot, Bar	MXU (Mixed Use)	C-2 (General Commercial)
East	RV Park, Auto Repair	C (Commercial)	C-2 (General Commercial)
West	Motel, Shop, Church`	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Overlay District (East Fremont)	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to Las Vegas Downtown Centennial Plan Development Standards – East Fremont

Standard	Required/Allowed	Provided	Compliance
Setbacks	70% of the first story façade shall align along the front property line.	N	N*
Corner Side	70% of the first story façade shall align along the front property line.	N	N*
Service Areas	Service areas and loading docks shall not be located at frontage lines. All auto-related facilities (working bays, storage, etc.) shall orient away and be screened.	N	N*

Utilities	All power lines shall be located underground from the nearest street access to the project site.	Y	Y
Encroachments	No aerial encroachments are permitted. No vacations of the street right-of-way shall be permitted for expanding the building footprint.	Y	Y
Fences/Walls	Fences/walls may be up to eight feet. Walls must be decorative in nature with a minimum of 20 percent contrasting materials.	N/A	N/A
Parking Screening	When parking lots face public streets, ornamental screen landscaping shall be incorporated	N/A	N/A
Parking Structures	Parking structures shall have ground level retail, office or restaurant space incorporated into the design of the structure. Such structures shall have no front or corner side setback. A 10 foot setback shall be required where no retail occurs.	Y	Y
Architectural Design Standards	Extended, blank, expressionless walls at the street level shall be prohibited. The use of expression lines and expression zones utilizing materials, colors, and/or relief shall be required in the pedestrian zone to create visually interesting facades (Graphic 14).	Y	Y
	The use of arcades, awnings and canopies on the ground floor of a building is required unless waived by City Council as part of a site development plan review. An encroachment agreement with Public Works is required.	Y	Y
	The main entry of the building from the street shall be appropriately articulated in the architectural design of the building. This shall be accomplished through change in materials, colors, and/or the amount of detailing around the entry; having the entry slightly recessed or protruding from the primary building line; and/or through the use of canopies or awnings, etc. (Graphic 14).	Y	Y
	Reflective or tinted glass shall not exceed 60 percent of the overall exterior enclosure of any building. Reflectivity of any glass shall not exceed 22 percent reflectivity index. Only non-reflective clear glass or non-reflective tinted glass with a visible light transmittance of about 60 percent shall be used on ground floors in all pedestrian-oriented areas.	Y	Y

**A Waiver of Downtown Centennial Plan (Fremont East) Design Standards has been requested by the applicant.*

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Right-of-Way Improvements	All streets shall have a five foot amenity zone and a 10 foot wide, unobstructed sidewalk.	Y	Y
North-South Streets	Major north-south streets (Main Street) shall be designed thematically with Deglet-Noor Date Palms or similar type palms as the primary landscape element; 25 feet tall and spaced 30 feet apart. Southern Live Oak, Shoestring Acacia or African Sumac shade trees may be provided between the palm trees with a minimum height of 15 feet.	Y	Y
Bus Turnouts	Charter bus drop areas shall be provided in close proximity to the entrances of newly constructed hotels.	N/A	N/A

Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
East/West Street (Fremont Street)	1 Shade Tree @ 15-20' O.C. Maximum (min. 24" box) 8 Shade Trees	6 Palm Trees, 4 Shade Trees (36" box)	N*
East/West Street (Ogden Avenue)	1 Shade Tree @ 15-20' O.C. Maximum (min. 24" box) 14 Shade Trees	5 Shade Trees (36" box), 8 Palm @ 20' O.C. Trees	N*
North/South Street (9 th Street)	1 Palm Tree @ 30' O.C. Maximum (min. 25' height) 13 Palm Trees	5 Palm Trees, 8 Shade Trees (36" box; no height listed)	Y
North/South Street (10 th Street)	1 Palm Tree @ 30' O.C. Maximum (min. 25' height) 13 Palm Trees	2 Palm Trees, 11 Shade Trees (36" box; no height listed)	Y
Right-of Way Improvements:	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Y

**The Landscape Plan has been conditioned to replace Palm Trees with Shade Trees along the Ogden Avenue and Fremont Street (East/West Streets) and to add one Shade Tree to Ogden Avenue.*

Parking Requirement – Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel	537 Units	1:Guest room	537				
	Guest Parking	1:6	90				
Retail	28,791	1:250	115				
SubTotal			727	15	694	15	
TOTAL			742*		709		

**Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.*

ANALYSIS

- Zoning**

The subject site is zoned C-2 (General Commercial) and is located within the East Fremont District of the Downtown Overlay District. Development is subject to the standards contained within Title 19.06 and the Downtown Centennial Plan. Mixed Use development requires a Special Use Permit in the C-2 (General Commercial) Zoning District.

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

- **Site Plan**

The proposed project described in Site Development Plan Review is for a new 32-story, 350-foot residential tower that will contain 537 apartment units and 28,791 square feet of community based retail. The retail space is positioned on the corner of 9th Street and Ogden Avenue, which applicant notes is designed for a specialty grocer. In addition to the high rise apartment complex, there are four apartment units on the ground floor flanking 9th Street and seven on 10th Street which provide a neighborhood appeal. The existing motels which are vacant will be demolished.

The site plan shows that the proposed building is set back 20 feet from 9th, 10th, and Fremont Street, while Ogden Avenue will be setback 10 feet to allow outside displays and seating. The setbacks are contrary to the standards outlined in the Fremont East section of the Down Centennial Plan which state that 70% of the first story façade shall along the front and corner side property lines. The applicant has asked for a Waiver of this standard.

Access to the site will be from the 32-foot driveways along 9th and 10th Street, which lead into a five level parking garage. The main level and a section of the second level interior parking are provided for patrons, which comprises 115 parking spaces. In addition, thirty onsite parking spaces are provided and located off 9th and 10th Street. A gate blocks the 537 private parking spaces from the lower level spaces.

Loading and service docks are located offsite along 9th and 10th Street. The applicant is asking for a Waiver of Fremont East District standards which state Service areas and loading docks shall not be located at frontage lines. All auto-related facilities (working bays, storage, etc.) shall orient away and be screened.

- **Landscaping**

The streetscape requirements for Fremont East District require 14 palm trees and shade trees to be planted within the 9th and 10th Street amenity zone. The landscape plan submitted shows a combination of 13 palm and shade trees spaced at 30 feet on center. The Fremont East District requires shade trees along Fremont Street and Ogden Avenue. This plan has been conditioned to replace Palm Trees with Shade Trees along the Ogden Avenue and Fremont Street (East/West Streets) and to add one Shade Tree to Ogden Avenue.

- **Elevations**

The elevations depict a 32-story high-rise mixed-use development with ground level commercial spaces with residential spaces above. The elevation depicts a recessed balcony to help breakup the solid massing of the building's above ground façade. The applicant describes this as a gentle waveform sculpted into the façade. Stepbacks are

provided at the fifth story. The outside of the tower is fenestrated with a combination of glass and opaque components arranged in a pattern to convey the scale and texture of the building. The main entry is recessed and accentuated by two columns and a canopy. Canopies are used at the ground level to encourage pedestrian activity.

The body of the proposed tower is composed in a unitized window wall system comprised of three primary component glazing types: a lightly tinted pale green vision glass, a medium reflective green vision glass and an opaque off-white spandrel glass. The body of the proposed podium is composed of an exterior insulated finish system, while the accents, infills and canopies are composed perforated metal panel of stainless steel or anodized aluminum.

- **Floor Plans**

The floor plans show from level six to level to level thirty-two a mix of studio, one, two and three bedroom residential apartments. The residential community pool and clubhouse and fitness area will be on a six level deck. The rooms range from 500 square feet in the studio rooms to 1,300 square feet of living area in the standard three bedroom rooms. The building will offer, on the ground floor, eleven on-street 1,176 square feet apartments off of 9th and 10th street.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed building will be compatible with existing and proposed development in the immediate area.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The development will be consistent with all code requirements.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The principal vehicular access points into the parking garage will be off of 9th and 10th Street; therefore, site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

4. Building and landscape materials are appropriate for the area and for the City;

The proposed structure and landscape materials are appropriate for the area. Additionally, conditions have been added to the application so that the proposal meets the standards required for this area under the Downtown Centennial Plan.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The proposed building will offer commercial opportunities as well as offer an urban residential apartment option, which the will be harmonious and compatible with development in the area.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 209 by Planning Department

APPROVALS 4

PROTESTS 0